

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6701–S6788

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 1734–1740, and S. Res. 299–300. **Page S6764**

Measures Reported:

H.R. 1843, to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the “John Pangelinan Gerber Post Office Building.”

H.R. 1975, to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the “First Lieutenant Oliver Goodall Post Office Building.”

H.R. 2062, to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the “Matthew A. Pucino Post Office.”

H.R. 2149, to designate the facility of the United States Postal Service located at 4354 Pahoia Avenue in Honolulu, Hawaii, as the “Cecil L. Heftel Post Office Building.”

S. 1412, to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the “Officer John Maguire Post Office.” **Page S6763**

Measures Passed:

Veterans’ Compensation Cost-of-Living Adjustment Act: Senate passed S. 894, to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. **Page S6787**

National Work and Family Month: Senate agreed to S. Res. 299, designating October 2011 as “National Work and Family Month.” **Page S6787**

Red Ribbon Week: Senate agreed to S. Res. 300, supporting the goals and ideals of Red Ribbon Week, 2011. **Pages S6787–88**

Measures Considered:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act—Agreement: Senate continued consideration of H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, taking action on the following amendments proposed thereto: **Pages S6708–13, S6716–58**

Adopted:

Sanders Amendment No. 816 (to Amendment No. 738), to provide amounts to support innovative, utility-administered energy efficiency programs for small businesses. **Page S6708**

Reid (for Coburn) Amendment No. 793 (to Amendment No. 738), to ensure transparency in federally attended and funded conferences, including the cost to taxpayers for food, drinks, and hotel stays associated with federally funded conferences of more than \$20,000. **Page S6758**

Reid (for Coburn) Modified Amendment No. 798 (to Amendment No. 738), to prohibit the use of amounts made available by this bill to purchase new passenger motor vehicles. **Page S6758**

Rejected:

McCain Amendment No. 739 (to Amendment No. 738), to ensure that the critical surface transportation needs of the United States are made a priority by prohibiting funds from being used on lower-priority projects, such as transportation museums and landscaping. (By 59 yeas to 39 nays (Vote No. 170), Senate tabled the amendment.) **Pages S6708–13, S6716–17**

Withdrawn:

McCain Amendment No. 741 (to Amendment No. 738), to prohibit the use of appropriated funds to construct, fund, install, or operate certain ethanol blender pumps and ethanol storage facilities. **Pages S6708, S6751**

Pending:

Reid (for Inouye) Amendment No. 738, in the nature of a substitute. **Page S6708**

Reid (for Webb) Modified Amendment No. 750 (to Amendment No. 738), to establish the National Criminal Justice Commission. **Page S6708**

Kohl Amendment No. 755 (to Amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts. **Page S6708**

Durbin (for Murray) Amendment No. 772 (to Amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies. **Page S6708**

Landrieu Amendment No. 781 (to Amendment No. 738), to prohibit the approval of certain farmer program loans. **Page S6708**

Vitter Modified Amendment No. 769 (to Amendment No. 738), to prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada. **Pages S6708, S6730–31, S6749–50**

Coburn Amendment No. 791 (to Amendment No. 738), to prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of \$1,000,000. **Pages S6708, S6750–51**

Coburn Modified Amendment No. 792 (to Amendment No. 738), to end payments to landlords who are endangering the lives of children and needy families. **Pages S6708, S6746**

Ayotte Amendment No. 753 (to Amendment No. 738), to prohibit the use of funds for the prosecution of enemy combatants in Article III courts of the United States. **Pages S6729–30, S6736, S6737–38, S6744, S6746–48, S6751–52**

Crapo Amendment No. 814 (to Amendment No. 738), to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. **Pages S6731–32, S6750**

Merkley Amendment No. 879 (to Amendment No. 738), to prohibit amounts appropriated under this Act to carry out parts A and B of subtitle V of title 49, United States Code, from being expended unless all the steel, iron, and manufactured products used in the project are produced in the United States. **Pages S6732–34**

Moran Amendment No. 815 (to Amendment No. 738), to improve the bill. **Pages S6734, S6741**

Bingaman Modified Amendment No. 771 (to Amendment No. 738), to provide an additional \$4,476,000, with an offset, for the Office of the United States Trade Representative to investigate trade violations committed by other countries and to enforce the trade laws of the United States and inter-

national trade agreements, which will fund the Office at the level requested in the President's budget and in H.R. 2596, as reported by the Committee on Appropriations of the House of Representatives. **Pages S6735–36**

Blunt (for Grassley) Amendment No. 860 (to Amendment No. 738), to ensure accountability in Federal grant programs administered by the Department of Justice. **Page S6736**

Menendez Amendment No. 857 (to Amendment No. 738), to extend loan limits for programs of the government-sponsored enterprises, the Federal Housing Administration, and the Veterans Affairs Administration. **Page S6738**

Lee Motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the Senate with reductions in spending in each division required to bring the overall spending for the division to fiscal year 2011 levels which shall not exceed \$130,559,669,000 for division A (Ag), \$58,786,478,000 for division B (CJS), and \$55,368,096,000 for division C (THUD). **Pages S6740–41**

Sessions Amendment No. 810 (to Amendment No. 738), to prohibit the use of funds to allow categorical eligibility for the supplemental nutrition assistance program. **Pages S6741–44**

Blunt (for DeMint) Amendment No. 763 (to Amendment No. 738), to prohibit the use of funds to implement regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers. **Page S6751**

Blunt (for DeMint) Amendment No. 764 (to Amendment No. 738), to eliminate a certain increase in funding. **Page S6751**

Lautenberg Amendment No. 836 (to Amendment No. 738), to provide adequate funding for Economic Development Administration disaster relief grants pursuant to the agreement on disaster relief funding included in the Budget Control Act of 2011. **Pages S6752–53**

Gillibrand Amendment No. 869 (to Amendment No. 738), to increase funding for the emergency conservation program and the emergency watershed protection program. **Pages S6753–55**

A motion was entered to close further debate on the Reid (for Inouye) Amendment No. 738 (listed above), and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the motion to invoke cloture on the motion to proceed to consideration of S. 1726, to repeal the imposition of withholding on certain payments made to vendors by government entities. **Page S6758**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of

rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the motion to invoke cloture on Reid (for Inouye) Amendment No. 738 (listed above). **Page S6758**

A unanimous-consent agreement was reached providing that the next first-degree amendments in order to be called up and made pending to the bill and Reid (for Inouye) Amendment No. 738 (listed above), be the following: Brown (OH) No. 874; and Feinstein No. 855. **Page S6758**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:00 a.m., on Thursday, October 20, 2011; that following the disposition of the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Senate vote on or in relation to the following amendments: Vitter Modified Amendment No. 769 (to Amendment No. 738) (listed above); Reid (for Webb) Modified Amendment No. 750 (to Amendment No. 738) (listed above); and that at 2:00 p.m., Senate vote on or in relation to Merkley Amendment No. 879 (to Amendment No. 738) (listed above), as modified with the changes at the desk; Brown (OH) No. 874, as modified with the changes that are at the desk; Moran Amendment No. 815 (to Amendment No. 738) (listed above); and Blunt (for Grassley) Amendment No. 860 (to Amendment No. 738) (listed above); that there be no amendments or points of order against any of the amendments prior to the votes other than budget points of order; that there be two minutes equally divided in the usual form prior to each vote; that the Vitter Modified Amendment No. 769 (to Amendment No. 738); and Reid (for Webb) Modified Amendment No. 750 (to Amendment No. 738); Merkley Amendment No. 879 (to Amendment No. 738); Brown (OH) No. 874, as modified with the changes that are at the desk; and Blunt (for Grassley) Amendment No. 860 (to Amendment No. 738) be subject to a 60 affirmative vote threshold; that all after the first vote be ten minute votes; and that the following first-degree amendments filed by Senate Coburn be in order to be called up and made pending on Thursday, October 20, 2011: Coburn No. 794; Coburn No. 795; Coburn No. 796; Coburn No. 797; Coburn No. 799; Coburn No. 800; Coburn No. 801; and Coburn No. 833. **Page S6758**

Teachers and First Responders Back to Work Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1723, to provide for teacher and first responder stabilization.

Page S6753

A motion was entered to close further debate on the motion to proceed to consideration of the bill,

and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, October 21, 2011.

Page S6753

Subsequently, the motion to proceed was withdrawn. **Page S6753**

Withholding Tax Relief Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1726, to repeal the imposition of withholding on certain payments made to vendors by government entities. **Page S6753**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the motion to invoke cloture on the motion to proceed to consideration of S. 1723, to provide for teacher and first responder stabilization. **Page S6753**

Subsequently, the motion to proceed was withdrawn. **Page S6753**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to significant narcotics traffickers centered in Colombia; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM—29) **Page S6763**

Bryson Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate begin consideration of the nomination of John Edgar Bryson, of California, to be Secretary of Commerce; that there be four hours for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination; and that the nomination be subject to a 60 vote threshold; and that no further motions be in order to the nomination. **Page S6787**

Higginbottom Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 12:00 p.m., on Thursday, October 20, 2011, Senate proceed to Executive Session to begin consideration of the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, with two minutes of debate equally divided and controlled in the usual form, prior to a vote on confirmation of the nomination, and all other provisions of the order of October 13, 2011 remain in effect. **Page S6787**

Nominations Confirmed: Senate confirmed the following nominations:

Mark Raymond Hornak, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania. **Pages S6713–16 S6788**

Robert N. Scola, Jr., of Florida, to be United States District Judge for the Southern District of Florida. **Pages S6713–16, S6788**

By 82 yeas to 17 nays (Vote No. EX. 169), Robert David Mariani, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania. **Pages S6716, S6788**

Executive Communications: **Page S6763**

Executive Reports of Committees: **Pages S6763–64**

Additional Cosponsors: **Pages S6764–66**

Statements on Introduced Bills/Resolutions:
Pages S6766–69

Additional Statements: **Pages S6761–63**

Amendments Submitted: **Pages S6769–86**

Notices of Intent: **Page S6786**

Authorities for Committees to Meet: **Page S6786**

Privileges of the Floor: **Page S6787**

Record Votes: Two record votes were taken today. (Total—170) **Pages S6716–17**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:29 p.m., until 10:00 a.m. on Thursday, October 20, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6788.)

Committee Meetings

(Committees not listed did not meet)

COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the final report of the Commission on Wartime Contracting in Iraq and Afghanistan, after receiving testimony from Frank Kendall, Principal Deputy Under Secretary for Acquisition, Technology and Logistics, and Lieutenant General Brooks L. Bash, USAF, Director for Logistics, J4, Joint Staff, both of the Department of Defense; and Dov S. Zakheim, and Katherine V. Schinasi, both former Commissioners, Commission on Wartime Contracting in Iraq and Afghanistan.

MARKET MICROSTRUCTURE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine market micro-

structure, focusing on an examination of Exchange-Traded Funds (ETFs), after receiving testimony from Eileen Rominger, Director, Division of Investment Management, U.S. Securities and Exchange Commission; Eric Noll, NASDAQ OMX, New York, New York; Noel Archard, BlackRock, Inc., Jersey City, New Jersey; and Harold Bradley, Kauffman Foundation, Kansas City, Missouri.

CONCUSSIONS AND THE MARKETING OF SPORTS EQUIPMENT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine concussions and the marketing of sports equipment, after receiving testimony from Jeffrey S. Kutcher, University of Michigan Department of Neurology, Ann Arbor; Ann C. McKee, Boston University School of Medicine, Bedford, Massachusetts; Mike Oliver, National Operating Committee on Standards for Athletic Equipment, Overland Park, Kansas; Alexis Ball, Albuquerque, New Mexico; and Steven Threet, Tempe, Arizona.

NATIONAL PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 544, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 1083, to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System, S. 1084, to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, S. 1303, to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, S. 1325, to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, S. 1347, to establish Coltsville National Historical Park in the State of Connecticut, S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and S. 1537, to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation,